
Introduced by Senator Denham

February 15, 2005

An act relating to involuntary trusts.

LEGISLATIVE COUNSEL'S DIGEST

SB 249, as introduced, Denham. Involuntary trusts: "Son of Sam" law.

Existing law imposes an involuntary trust upon the proceeds and profits, as defined, from the sale or transfer of any thing or right of a felon, the value of which is enhanced by the notoriety gained from the commission of the felony, and specifies procedures whereby the beneficiaries of the trust, as defined, may enforce their rights under the trust. The California Supreme Court, in *Keenan v. Superior Court of Los Angeles*, held that the provisions of this law, known as the "Son of Sam" law, were facially invalid under both the state and federal constitutions as violating protections on free speech.

This bill would state the intent of the Legislature to address the issues raised by the California Supreme Court in *Keenan v. Superior Court of Los Angeles* regarding the California "Son of Sam" law.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. It is the intent of the Legislature to address the
- 2 issues raised by the California Supreme Court in *Keenan v.*
- 3 Superior Court (2002) 27 Cal. 4th 413, regarding the California
- 4 "Son of Sam" law.

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